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35 USC §102 rejection based on Simmons

The presently claimed invention is distinguished from Simmons because light-paths are concatenated into circular segments. Like the present invention, Simmons seeks to reduce the number of ADMs in a network. However, the procedure taught by Simmons to accomplish this shared goal differs from the presently claimed procedure. Simmons groups together similar time slots such as OC-3s having add/drops in common. (Column 5, lines 14-20). The grouping is executed in pairs. Subsequently, pairs of pairs are grouped based on having similar add/drops. (Column 5, lines 25-42) When enough similar OC-3s are grouped, the grouped slots are put on an OC-48. In other words, Simmons groups paths with **similar** add/drop nodes and transports them over a bigger pipe. In contrast with Simmons, the presently claimed invention groups together **dissimilar** (relative to Simmons) paths into circular segments. Each circular segment may employ a pipe of the same capacity as each of the individual paths that make up the circular segment. The difference in the capacity of the pipe used occurs because Simmons combines paths in parallel, whereas the present invention combines paths serially. Hence, claim 1 distinguishes Simmons by reciting **concatenating together a first set of the light-paths into circular segments**. Similarly, claim 14 distinguishes Simmons by reciting **wherein a first set of the light-paths are concatenated together into circular segments**. For the reasons stated above, Applicant requests the Examiner to withdraw the rejections of claim 1 and 14.

The Office also rejected dependent claims 2-8, 12, 13 and 15-23 based on Simmons. Each of these claims is allowable for further distinguishing the invention, and also for the reasons already stated above. For example, claim 2 recites that no light-path in any of the circular segments and non-circular segments overlaps another light-path in the same circular segment and non-circular segment. In contrast, Simmons teaches against grouping paths which do not

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overlap. Indeed, Simmons teaches grouping paths with maximum overlap in terms of common add/drop. Similarly, claim 3 distinguishes Simmons by reciting that the starting node and the terminating node are the same node. The other dependent claims emphasize other features which further highlight the differences between the Simmons approach to the problem and the presently claimed invention. For the reasons stated above, Applicant requests the Examiner to withdraw the rejections of claims 2-8, 12, 13 and 15-23. Applicant is pleased to acknowledge the indication that claims 9-11 include allowable subject matter. However, for the reasons stated above Applicant submits that the base claim is allowable without the further distinguishing features recited in claims 9-11.

Drawings

The Office objected to Figures 1A and 1B for not including the legend "Prior Art." Applicant has changed the Figures as suggested. However, Applicant states for the record that although the Figures themselves may not contain new subject matter, the accompanying description in the specification does include new subject matter and is not to be considered prior art.

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Applicants have made a diligent effort to place the claims in condition for allowance. However, should there remain unresolved issues that require adverse action, it is respectfully requested that the Examiner telephone Holmes W. Anderson, Applicants' Attorney at 978-264-6664 so that such issues may be resolved as expeditiously as possible.

For these reasons, and in view of the above amendments, this application is now considered to be in condition for allowance and such action is earnestly solicited.

Respectfully Submitted,

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Date


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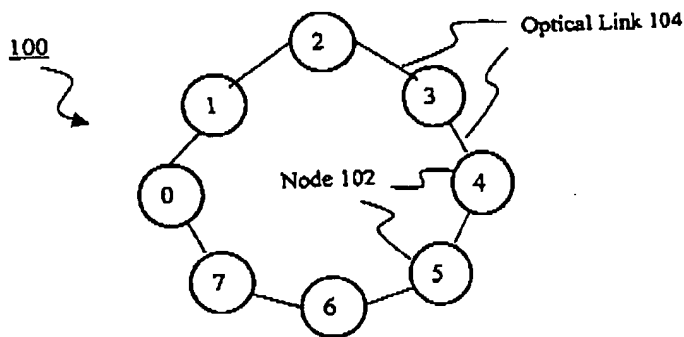


FIG. 1A
Prior Art

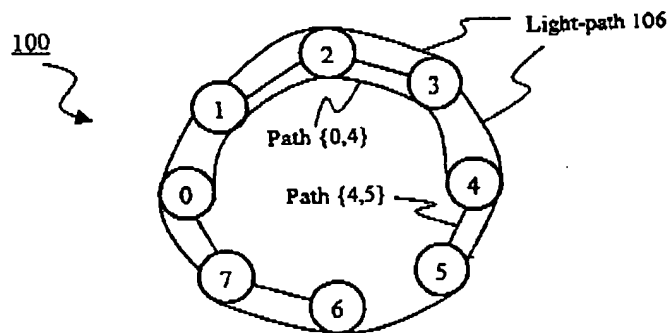


FIG. 1B
Prior Art

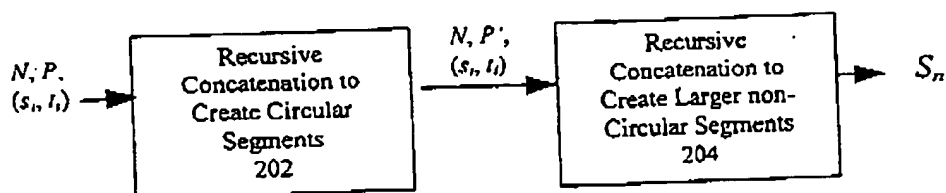


FIG. 2